

# Personnel Policy Bulletin

Number: 2005-1

City of Lincoln

Date: October, 2005

Reference:	Title:
Article IX-A, City Charter; Section 2.76.185 and 2.76.365, Lincoln Municipal Code  Supercedes Personnel Policy Bulletin 2004-3	OVERTIME PAY POLICY

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

On October 19, 1983, the Mayor executed Executive Order No. 28472, and on August 30, 1985, executed Executive Order No. 30908, and on December 16, 1986, executed Executive Order No. 32684, and on November 23, 1988, executed Executive Order 35673, and Personnel Policy Bulletin 93-1, and Personnel Policy Bulletin 96-3, and Personnel Policy Bulletin 99-1, and Personnel Policy Bulletin 2002-3, and Personnel Policy Bulletin 2003-2, and Personnel Policy Bulletin 2003-5 and Personnel Policy Bulletin 2004-3 establishing policies and arrangements for overtime pay. The policies for overtime pay should as a matter of practice be reviewed and revised periodically. Therefore, this Personnel Policy Bulletin is intended to supersede Executive Order Nos. 28472, 30908, 32684, 35673, Personnel Policy Bulletin 93-1, Personnel Policy Bulletin 96-3, Personnel Policy Bulletin 99-1, Personnel Policy Bulletin 2002-3, Personnel Policy Bulletin 2003-2, Personnel Policy Bulletin 2003-5, and Personnel Policy Bulletin 2004-3, and to establish the following policies for overtime pay and arrangements for overtime pay, in accordance with the standards required by Article IX-A of the Charter of the City of Lincoln, Section 2.76.185 of the Lincoln Municipal Code, and the applicable provisions of the Fair Labor Standards Act, 29 U.S.C.A. { 201 et seq.

Overtime pay is intended and authorized for emergency situations only where public service must be performed in the best interests of the City. The granting of overtime pay shall never be used to affect pay adjustments nor in payment for work that can be scheduled in a routine manner. Only employees allocated to non-exempt classifications shall be eligible to receive overtime pay. Overtime must be approved by the department head prior to it being worked.

Unless otherwise specifically provided in a collective bargaining agreement or other provisions of this Personnel Policy Bulletin, overtime shall be compensated by monetary payment and not time off, i.e. compensatory time. Overtime shall be granted only if such time has been previously approved by the appropriate department head or supervisor. Any employee who works overtime without the approval of their supervisor or department head may be subject to disciplinary action. Any employee, who by his/her own volition works any time prior to or immediately following his/her normally scheduled work hours may not be paid overtime. Any employee who elects to forego his/her authorized rest or lunch breaks shall not be entitled to payment for overtime.

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Employees subject to this Personnel Policy Bulletin may work in more than one department if approval to do so is granted by the appropriate department head or supervisor, provided, however, that in no event shall the total time in a pay status exceed forty (40) hours per work week. In the event an employee works at two or more rates of pay during the work cycle, then the employee will be paid a base rate determined by computing the weighted average of the rates at which the employee worked.

The City supports the concept of a flexible working schedule where it can be implemented by department heads in a manner which improves the delivery of services to the community. An essential requirement is that all work assignments be adequately staffed during the normal business or regular hours. Where less than full-time (i.e., less than 40 hours per week) employees are used, they shall be paid at the straight time hourly rate established for their classification.

When new classes are established, the Personnel Director will determine overtime pay eligibility and assign them to either non-exempt or exempt status.

This overtime policy does not apply to the Lincoln Electric System, or the classifications of that department.

The Personnel Director may develop a reporting system which will be used in all City departments to report overtime usage. Department heads will be responsible for the proper administration of the overtime and compensatory time provisions.

## NON-EXEMPT CLASSIFICATIONS

Employees in classifications with pay ranges prefixed by 'P', 'F', 'B', 'N', 'C', or 'X', and the classifications listed below, with pay ranges prefixed by 'E', are eligible to receive pay for overtime work in accordance with the provisions of this Personnel Policy Bulletin, the applicable collective bargaining agreement, or the Fair Labor Standards Act.

0609	Compensation Technician I
0613	Employment Technician I
1130	Payroll Supervisor
1321	Worker's Compensation Claims Assistant
1550	Grant Coordinator I

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## LINCOLN POLICE UNION ('P') NON-EXEMPT CLASSIFICATIONS

The payment of overtime is based upon work performed in excess of eight (8) hours per day for employees working a five-day work week or ten (10) hours per day for employees working a four-day work week. Overtime pay shall be computed at the rate of time and one-half and it shall not be paid twice for the same hours worked. If requested by the employee, compensatory time, subject to Department Head approval, may be granted at the rate of time and one-half for each overtime hour worked. In lieu of payment for overtime hours worked, the employee may request to take compensatory time off. If a request is approved, one and one-half (1-1/2) hours of compensatory time shall be credited for each overtime hour worked not to exceed a total of forty (40) hours in the employee's compensatory time bank. Sick leave shall not count as hours worked.

## L.C.E.A. NON-EXEMPT CLASSIFICATIONS ('C')

The payment of overtime is based upon work performed in excess of forty (40) hours per work week. The employee's work week is hereby defined as Thursday through the following Wednesday of any given week. Vacation and personal holiday hours shall count as hours worked toward the 40-hour accumulation. For employees who are not scheduled to work on a holiday, the legal holiday time not worked shall count toward hours worked for the computation of overtime. For employees who work in a seven day a week or twenty-four hour a day operation, all hours worked on a holiday within the employee's regular scheduled work week shall count toward hours worked for the computation of overtime. Overtime pay shall be computed at the rate of time and one-half. There shall be no compensatory time given to any employee in lieu of paying overtime.

## A.T.U. NON-EXEMPT CLASSIFICATIONS ('B')

The payment of overtime is based upon work performed in excess of forty (40) hours per work week. The employee's work week is hereby defined as Thursday through the following Wednesday. For purposes of computing overtime pay, split vacation days, personal leave holidays (except when combined with pre-bid vacation), and sick leave shall not count as hours worked. Overtime pay shall be computed at the rate of time and one-half, unless the affected employee is serving a suspension within the pay week.

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## INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ('F') NON-EXEMPT CLASSIFICATIONS

The payment of overtime is based upon work performed in excess of 159 hours per 21-day tour of duty for employees scheduled to work 56 hours/week. Vacation, sick and legal holidays shall count as hours worked toward the 159 hour or 40 hour accumulation. Overtime pay shall be computed at the rate of time and one-half. In lieu of cash payment for overtime hours worked, forty (40) hour employees may request to take compensatory time off. Usage, however, is not to exceed forty (40) hours during the fiscal year and must be used during the fiscal year. If the request is approved by the Department Head, one and one-half (1 1/2) hours of compensatory time shall be credited for each overtime hour worked. The City hereby elects to utilize the exemption for firefighters provided in Section 207(k) of the Fair Labor Standards Act.

## N.A.G.E. NON-EXEMPT CLASSIFICATIONS ('N')

The payment of overtime is based upon work performed in excess of forty (40) hours per work week. The employee's work week is hereby defined as Thursday through the following Wednesday. Vacation and personal holiday hours shall count as hours worked toward the 40 hour accumulation. For employees not working in a seven (7) day a week or twenty-four (24) hour operation, and who are not scheduled to work on a holiday, the legal holiday time not worked shall count toward hours worked for the computation of overtime. Overtime pay shall be computed at the rate of time and one-half. There shall be no compensatory time given to employees in lieu of paying overtime.

## EXCLUDED NON-EXEMPT CLASSIFICATIONS

(All 'X' classifications & specific 'E' classifications listed at beginning of this section)

The payment of overtime is based upon work performed in excess of forty (40) hours per work week. The employee's work week is hereby defined as Thursday through the following Wednesday. All paid leaves shall not count as hours worked toward the 40 hour accumulation. Overtime pay shall be computed at the rate of time and one-half. There shall be no compensatory time given to employees in lieu of paying overtime.

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## UNCLASSIFIED NON-CAREER SERVICE NON-EXEMPT CLASSIFICATIONS

With the exception of the employees employed by the Parks and Recreation Department in a seasonal capacity, who are paid straight time for hours worked, overtime is based upon work performed in excess of forty (40) hours per work week. The employee's work week is hereby defined as Thursday through the following Wednesday. There shall be no compensatory time given to employees in lieu of paying overtime.

## EXEMPT CLASSIFICATIONS

Employees in classifications with pay ranges prefixed by 'M', 'A', 'D', and the classifications listed below, with pay ranges prefixed by 'E', are presumed to be paid for a complete job and shall be ineligible to receive pay for overtime work. Exceptions to this overtime policy may be temporarily granted by the Mayor when it is demonstrated by a department head to be in the best interests of the City. Such requests shall be presented to the Mayor in writing with a copy to the Personnel Director indicating the nature of and estimate of the overtime hours involved, and the desired duration of the exceptions. The exception must be granted each calendar year and is not automatically renewed. Although employees in classifications with pay ranges prefixed by 'A' are presumed to be paid for a complete job, there are instances when it is necessary for a department, such as the Health Department, to officially assign some employees in these pay ranges to "on-call" status. Therefore, in those instances in which a Department Head assigns, in writing, an employee(s) in a classification with a pay range prefixed by 'A' to "on-call" status, the employee(s) shall be paid one (1) hour of pay at their regular hourly rate of pay for each eight (8) hour period occurring while so assigned. Exempt employees shall not report hours worked on any time sheet, but shall report only paid time leaves away from work as prescribed by each department head.

0610 Compensation Technician II  
0614 Employment Technician II  
0630 Executive Secretary  
0631 Executive Aide

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0634 Personnel Operations Specialist  
0655 Ombudsman  
1551 Grant Coordinator II

## RECREATIONAL EXEMPTION

The Fair Labor Standards Act provides an exemption from the overtime payment requirements for employees who are employed in recreational facilities. The specific reference is Section 213 (A)(3) of 29 U.S.C.A. which indicates employees may be exempt if they are employed in an amusement or recreational establishment, "if (A) it does not operate for more than seven (7) months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six (6) months of such year were not more than 33 1/3 percent of its average receipts for the other six (6) months of such year." All employees who work in a seasonal capacity only, whether the facility or the program is seasonal, are considered exempt. Therefore, unclassified and temporary employees assigned the following classifications in the Parks and Recreation Department may be considered exempt.

## RECREATIONAL EXEMPT CLASSIFICATIONS

4901 Entry Level Worker  
4902 Intermediate Level Worker  
4903 Para-Professional/Technical Worker  
4904 Professional/Technical Worker  
4907 Pool Manager  
4910 Recreation Aide I  
4912 Recreation Aide II  
4914 Seasonal Parks Laborer  
5008 Laborer I (NAGE)  
5009 Laborer II (NAGE)  
5010 Labor Supervisor I (LCEA - 'C')  
5205 Equipment Operator I (NAGE)  
5206 Equipment Operator II (NAGE)  
5526 Assistant Golf Course Superintendent (LCEA - 'C')  
5527 Golf Course Superintendent (LCEA - 'A')

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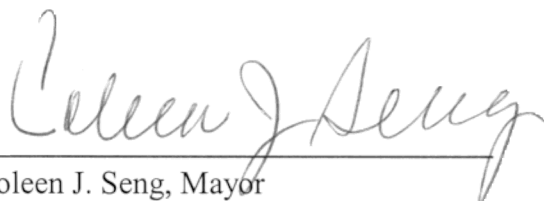
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\* See Unclassified Non-career Service for explanation of unclassified employees who do not qualify for the recreational exemption.

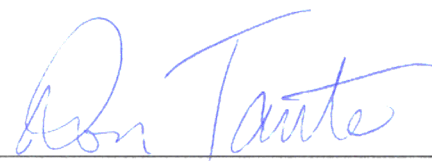
Dated this 31<sup>st</sup> day of October, 2005.

  
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Coleen J. Seng, Mayor

Approved as to Form and Legality:

  
\_\_\_\_\_  
Assistant City Attorney

Director Approval

  
\_\_\_\_\_  
Don Taute, Personnel Director

PST727